

Cabinet (Resources) Panel

Minutes - 20 October 2015

Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Elias Mattu
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Linda Banbury Democratic Support Officer
Mark Taylor Director of Finance

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
Apologies for absence, due to Council business, were submitted on behalf of Councillors Val Gibson Roger Lawrence.
- 2 **Declarations of interest**
There were no declarations of interest.
- 3 **Minutes of the previous meeting**
Resolved:
That the minutes of the meeting held on 15 September 2015 be approved as a correct record.
- 4 **Matters arising**
There were no matters arising from the previous minutes.
- 5 **Fees and Charges Review 2016/17**
Councillor Johnson presented the report, which outlined recommended levels for the majority of fees and charges receivable by the Council.
Resolved:
 1. That the fees and charges detailed at Appendices A to C to the report be approved, to take effect from 1 November 2015 (or as soon as possible thereafter).
 2. That, in the following instances, authority be delegated to the responsible Strategic Director in consultation with the Director of Finance, to vary fees and charges during the financial year:

- a) Where the cost of food (including frozen food) and drink procured for resale or onward supply changes, fees and charges may be set taking the new costs into account.
 - b) Where Strategic Executive Board agrees to a short-term change in fees and charges to ensure that a business opportunity can be pursued or secured; if the change is for a period or more than two months then the change should be referred to Cabinet (Resources) Panel for decision during the two month period.
 - c) Where an opportunity arises to secure a sale by matching the price to that of an organisation the Council is in competition with, ensuring that satisfactory 'price match' documentation is maintained to evidence the one-off fee amendment.
 - d) Where market conditions dictate, leisure membership may be varied providing that satisfactory market information is maintained.
 - e) Leisure Centre activity prices may be varied in line with market conditions providing that satisfactory market information is maintained.
 - f) Charges to partner organisations for support services may be varied.
 - g) Court summons costs charged to council tax and business rates payers may be varied following default on payments.
 - h) Where there is an opportunity to secure an act or event or utilise available rooms or halls for hire within the visitor economy services and the projected net cost of the act, event or room hire generates a commercial return (including taking account of secondary spend from catering and sales), authority shall be delegated to the Head of Service Visitor Economy to vary the fees and charges. Any such variations will be recorded, along with the reason, as part of the normal audit process. Details of any variations should be reported to Strategic Finance in a format agreed by the Director of Finance.
 - i) Where the cost of poison procured for the purpose of pest control increases, pest control fees and charges may be increased in proportion with the increased costs.
 - j) Where market conditions dictate, charges for commercial waste collection may be varied providing that satisfactory market information is maintained.
 - k) Library charges may be varied to fall in line with Black Country Libraries in Partnership (BCLiP) participating authorities (Dudley, Walsall, Wolverhampton and Sandwell) in March 2016.
 - l) Adult Education Service charges may be varied in response to Skills Funding Agency and Education Funding Agency funding allocations for the 2016/17 academic year.
 - m) Charges to schools/academies for services delivered under Service Level Agreements (SLAs may be varied)
3. That, in the following instances, authority be delegated (and considered via an Individual Executive Decision Notice) to the responsible Cabinet Member for the service and Cabinet Member for Resources, in consultation with the relevant Strategic Director or the Director of Finance as appropriate, to vary fees and charges during the financial year:
- a) Where the Council wishes to subsidise a charitable event that may not break even,
 - b) Where the Council wishes to generate income from advertising upon Council property.

- c) Where new Information Commissioner Guidance on charging for property searches is clarified and a relevant decision of Court of Justice of the European Union obtained.
 - d) Where the Council wishes to vary charges for bars and catering.
 - e) Where it is beneficial to the Council to vary fees and charges to generate additional income that will reduce the net budget.
4. That, should any amendment be made to the VAT treatment of specific fees and charges, authority to vary those fees and charges be delegated (and considered via an Individual Executive Decision Notice) to the Cabinet Member for Resources, together with the responsible Cabinet Member, in consultation with the Director of Finance and the responsible Strategic Director.
 5. That approval be delegated to the Cabinet Member for Children and Young People and the Director of People to approve new fees and charges under Children and Young People Services. The Service is currently undergoing a service re-design which will include the review of charging policies for some services.
 6. That any variation to fees and charges made under delegated authority in sections 2, 3, 4 and 5 above must be properly documented and records retained to ensure that there is a robust audit trail.

6 HR Policy - Request for Allocation Review policy

Councillor Sweet presented the report, which sought approval of a new allocation review policy.

Resolved:

That approval be given to the principles of the 'request for an allocation review' policy, for implementation with effect from November 2015.

7 Empty Property Strategy - 66 Farrington Road

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

1. That Council employees be authorised to enter into formal negotiations to acquire 66 Farrington Road, Lanesfield, Wolverhampton by agreement.
2. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
3. That approval in principle be given to the use of Compulsory Purchase action should this be required.

8 Empty Property Strategy - 32 Cadle Road

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

4. That Council employees be authorised to enter into formal negotiations to acquire 32 Cadle Road, Low Hill, Wolverhampton by agreement.
5. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the

open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).

6. That approval in principle be given to the use of Compulsory Purchase action should this be required.

9 **Empty Property Strategy - 42 Lawrence Avenue**

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

7. That Council employees be authorised to enter into formal negotiations to acquire 42 Lawrence Avenue, Wednesfield, Wolverhampton by agreement.
8. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
9. That approval in principle be given to the use of Compulsory Purchase action should this be required.

10 **Empty property Strategy - 473 Birmingham New Road**

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

10. That Council employees be authorised to enter into formal negotiations to acquire 473 Birmingham New Road, Wolverhampton by agreement.
11. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
12. That approval in principle be given to the use of Compulsory Purchase action should this be required.

11 **Empty Property Strategy - Two and a Half Clifford Street**

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

13. That Council employees be authorised to enter into formal negotiations to acquire Two and a Half Clifford Street, Whitmore Reans, Wolverhampton by agreement.
14. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
15. That approval in principle be given to the use of Compulsory Purchase action should this be required.

12 **Empty Property Strategy - 11 Court Road**

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

16. That Council employees be authorised to enter into formal negotiations to acquire 11 Court Road, Whitmore Reans, Wolverhampton by agreement.
17. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
18. That approval in principle be given to the use of Compulsory Purchase action should this be required.

13 **Empty Property Strategy - properties adjacent to 11 Cyprus Street**

Councillor Bilson presented the report, which sought approval to commence formal negotiations with the owner with a view to acquiring the property by agreement.

Resolved:

19. That Council employees be authorised to enter into formal negotiations to acquire 11 Cyprus Street, Blakenhall, Wolverhampton by agreement.
20. That, following any acquisition the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is refurbished and re-occupied within 6 or 12 months (as appropriate to the scale of works).
21. That approval in principle be given to the use of Compulsory Purchase action should this be required.

14 **Empty Property Strategy - compulsory purchase of 99 Millfields Road**

Councillor Bilson presented the report, which sought authorisation to the making of a Compulsory Purchase Order under Section 17, Part 2 of the Housing Act 1985 and for negotiations to continue with any established interested parties in advance of confirmation of the Order as appropriate.

Resolved:

1. That approval be given to the making of the following Compulsory Purchase Order under Section 17, Part 2 of the Housing Act 1985:
The City of Wolverhampton Council (99 Millfields Road, Bilston, Wolverhampton, WV14 0QX) Compulsory Purchase Order 2015.
2. That the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, be authorised on behalf of the Council to:
 - a) take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the Order, including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry;
 - b) acquire interests in the land within the Order either compulsorily or by agreement before or after making the Order;
 - c) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, and/or making arrangements for re-housing or relocation of any occupiers;
 - d) approve the making of a General Vesting Declaration;

- e) following any acquisition, authorise the the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing and Service Director for City Assets, to declare the property surplus and dispose of the property on the open market on condition that the property is re-furnished and re-occupied within 6 or 12 months (as appropriate to the scale of works), and
- f) approve the disposal of the property by auction, tender or private treaty.

15 **School Balances 2014/15**

Councillor Darke presented the report, which sought consideration and approval of proposals for action to be taken to challenge schools in the city around the level of their balances and their plans for use of resources. She drew attention to a typographical error in section 2.2 b(a) of the report in that the final word should read 'Governors' not Councillors.

Resolved:

1. That the proposed approach to challenging schools around the level of their balances and their plans for use of those resources be approved.
2. That the current position on schools with licensed deficits be noted and authority delegated to the Cabinet member for Education, in consultation with the Directors of Education and Finance, to finalise licensed deficits.
3. That further updates be presented on the progress with regard to schools with excess balances and recovery plans of schools in deficit.

16 **Schedule of Individual Executive Decisions**

Resolved:

That the summary of open and exempt individual executive decisions, approved by the appropriate Cabinet Members following consultation with the relevant employees, be noted.

17 **Exclusion of press and public**

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of any particular person (including the authority holding that information/ paragraph 5 relating to professional privilege.

18 **Improving the city housing offer - update on the development of the former Tap Works, Fifth Avenue and Broome Road sites**

Councillor Bilson presented the report, which sought approval to the inclusion of planning condition provisions that would normally be secured through a planning permission as part of the Development Agreement. The report also advised of the transfer of £80,000 from the Housing Revenue Account to Public Realm for the enhancement of the children's playground at Bushbury Memorial Recreation Ground.

Resolved:

That approval be given to the inclusion of clauses relating to addressing the following planning issues in the Development Agreement and ancillary agreements:

- Contaminated land
- Hydrocarbon Vapour Protection
- Noise mitigation

- Affordable housing
- Local recruitment and training
- Measures to mitigate the impact of development on neighbours
- A company to ensure the future management of communal areas (where applicable)
- Remote controlled gates to parking courts (if applicable)
- Highway related requirements (parking restrictions, traffic calming on Showell Road and traffic calming within a 20 mph limit on Showell Road and new roads; make good redundant dropped kerbs; diversion of footpath from Hawkesford Crescent to Showell Road)
- Planning fees for detailed applications made pursuant to LDO, equal to the fees for approval of reserved matters contained in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 as amended, or any successor regulations.

19 **Midland Metro maintenance agreement**

Councillor Bilson presented the report, which sought approval of a legal agreement between the Council, Centro and West Midlands Travel Ltd with regard to the maintenance of the highway where it is affected by the on-street running section of Midland Metro within Wolverhampton.

Resolved:

1. That the terms of the maintenance agreement between the Council, Centro and West Midlands Travel Ltd, as set out at Appendix A to the report be approved.
2. That the Director of Governance be authorised to execute the agreement.

20 **Variations to standard terms of academy conversion - Highfields School**

Councillor Darke presented the report, which sought authorisation to approve terms and agreements necessary for academy conversion.

Resolved:

1. That legal advice be accepted that the Council is still likely to be able to claim the full £2 million PFI contribution from the respective funders in the event that national school funding arrangements change fundamentally during the course of the PFI agreement period.
2. That authorisation be given to the Council to enter into all contracts, documents and agreements necessary for the conversion of Highfields School to an Academy. [The Council will need to enter into a lease, Commercial Transfer Agreement, School Agreement, Principal Agreement, Deed of Variation to the PFI Project Agreement and Vires Certificate, together with any ancillary documents, as detailed in paragraph 5 of this report]
3. That authority be delegated to the Directors of Education and Governance, in conjunction with the Director of Finance, to approve the terms of any leases, commercial transfer agreements or other documents necessary for this academy conversion to complete where such documents depart from the standard forms issued by the Department of Education in such a way that the Council is required to accept greater risk than set out in the standard form documents.
4. That authority be delegated to the Cabinet Member and Directors of Education and Governance, in conjunction with the Director of Finance, to approve the final details of the agreements relating to the conversion of Highfields School.

21

Variations to standard terms of academy conversion - Manor Primary

Councillor Darke presented the report, which sought approval of the terms and agreements necessary for academy conversion.

Resolved:

1. That approval be given to the Council entering into a development agreement as part of the terms of the Manor academy conversion, subject to Legal Services being satisfied with the wording of this agreement.
2. That approval be given to the Council not accepting environmental liability as part of the Academy Transfer process.
3. That the Council be authorised to enter into such contracts, documents and agreements necessary for the conversion of Manor School to an Academy. [The Council will need to enter into a lease, Commercial Transfer Agreement and Development Agreement, together with any ancillary documents as set out in paragraph 5 of this report.
4. That authority be delegated to the Cabinet Lead Member and Directors of Education and Governance, in conjunction with the Director of Finance, to approve the terms of any leases, commercial transfer agreements or other documents necessary for this academy conversion to complete where such documents depart from the standard forms issued by the Department of Education in such a way that the Council mitigates risk.

22

ICT Security Policy replacement

Councillor Johnson presented the report, which sought approval of a replacement policy and the introduction of an on-going awareness programme for employees.

Resolved:

1. That approval be given to the replacement of the ICT Security Policy with:
 - 'Information Security Policy' content (this is already in place, forming part of the Information Governance policy suite)
 - 'Policy on personal Use of Council Computer Equipment and Access to Social Media' content (this is already in place, forming part of the HR policy suite)
 - 'ICT Technical Standards' document (maintained by the Council's ICT service)
2. That approval be given to on-going awareness of the above policies and associated roles and responsibilities.

23

Digital Transformation Programme

Councillor Johnson presented the report, which sought approval of the allocation of funding from the current ICT capital programme to the Digital Transformation Programme.

Resolved:

That approval be given to the allocation of £3.5 million from the current ICT capital programme to the Digital Transformation Programme.

24

Strategic procurement - award of contracts for works, goods and services

The recommendations for the award of contracts for works, goods and services were introduced by the relevant Cabinet members. With regard to the supply of office stationery, it was agreed that the cost implication of purchasing recycled paper should be investigated.

Resolved:

1. That authority be delegated to the Cabinet Member for City Assets, in consultation with the Strategic Director for Place, to approve the award of a contract for the removal, storage and transportation of furniture when the evaluation process is complete.
2. That a contract for Central Baths Spin and Exercise Studio be awarded to William Gough and Sons Ltd of Tudor House, Moseley Road, Bilston, for a duration of ten weeks from 21 October 2015 to 11 January 2016 for a total value of £168,981.
3. That a contract for the Children and Young People Transformation Consultancy – Phase II Detailed Design be awarded to iMPOWER Consulting Ltd of 14 Clerkenwell Close, London for a duration of four months from 21 October 2015 to 29 February 2016 for a total contract value of £199,104.
4. That authority be delegated to the Cabinet Member for Resources in consultation with the Director of Finance, to approve the award of a contract for the supply and delivery of office stationery when the evaluation process is complete.
5. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, approve the award of a contract for the West Midlands Public Service Network Data Contract to Virgin Media of Media House, Bartley Wood Business Park, Hook, when the evaluation process is complete.
6. That authority be delegated to the Leader of the Council, in consultation with the Director of Finance, to approve the award of a contract for a Dynamic Economic Impact Model for the creation of the West Midlands Combined Authority when the evaluation process is complete.
7. That the contract for the Tuberculosis Service be awarded to Royal Wolverhampton Hospitals NHS Trust of New Cross Hospital, Wolverhampton for a duration of twelve months from 1 April 2016 to 31 March 2017 for a total contract value of £218,000.
8. That the contract for the Infection Prevention Control Service be awarded to Royal Wolverhampton Hospitals NHS Trust of New Cross Hospital, Wolverhampton for a duration of two years from 1 April 2016 to 31 March 2018 for a total contract value of £214,000.
9. That the contract for Beat the Street be awarded to Black Country Consortium Ltd, Brierley Hill for a duration of 12 months from 1 January 2016 to 1 January 2017 for a total contract value of £191,808.
10. That authority be delegated to the Director of Governance to execute contracts in respect of the above as required.

25

Implementing a new Corporate Landlord service delivery model

Councillor Bilson presented the report, which set out proposals for a new Corporate Landlord service delivery model, which builds on the progress made since 2013, reflects a detailed review undertaken in conjunction with specialist external advisors and provides a robust and secure approach to deliver service improvements and the medium term financial saving commitment of £570,000.

Resolved:

That approval be given to the implementation of the new Service Delivery Model for the Corporate Landlord Service to deliver service improvements considered in the report and the medium term financial savings of £570,000.